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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,017	01/12/2001	Michel Le Hir	60,130-984	2860

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CARLSON, GASKEY & OLDS, P.C.
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BIRMINGHAM, MI 48009

EXAMINER

TAMAI, KARL I

ART UNIT	PAPER NUMBER
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2834

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 08042003

Application Number: 09/760,017
Filing Date: January 12, 2001
Appellants: HIR ET AL.

Karen Butchko
Reg. No. 45,864
For Appellant

MAILED

APR 07 2003

GROUP 2800

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 22, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct. The examiner notes the Applicant refers to the invention by reference number, but not by page and line number of the specification.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1, 4, and 5 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

<u>PATENT NUMBER</u>	<u>INVENTOR</u>	<u>PUBLICATION DATE</u>
2,663,798	Schechinger et al.	6-1991

(10) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

Claims 1, 4, 5, and 6 are rejected under 35 U.S.C. 102(b). This rejection is set forth in prior Office Action, dated 12/17/2002 and repeated below for the convenience of the Board of Appeals and Interferences.

Claims 1, 4, 5, and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schechinger et al. (Schechinger)(FR 2663 798). Schechinger teaches a motor with a commutator unit and a reduction gear box 25 containing a worm reduction gear (right side of figure 2). The commutator unit including a support body 15, a magnetic ring 34a positioned in a recess formed by the spring washer 40 and the spacer 33a, where the spacer forms an annular extension of the commutator. The spacer having an inner on the shaft and an outer surface on to which the magnetic is mounted. The magnet is in an annular recess bounded by the body 15, the spacer 33, and the spring washer 40. The magnet is attached to the side of the commutator which is farthest from the electrical hooks by a spring clip 40.

(11) Response to Argument

The Applicant's argument that the claimed invention distinguishes over Schechinger is not persuasive because the claim does not structurally define the body of the commutator as a single, unitarily formed body. Schechinger teaches the commutator body including the commutator 15, the bushing 33, and the safety ring 40. The examiner must give the claims their broadest reasonable interpretation:

Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims

In regards to claims 1, the examiner believes that Schechinger teaches and shows in figure 2 a integral commutator unit 15, 33, 34, and 40, where the broadest reasonable interpretation of "the commutator" is the entire unit. The examiner distinguishes this from separate units such as: the Applicant's admitted prior art (figure 1) where the commutator magnet is separate from the commutator.

The Applicant's argument that the magnet 34a of Schechinger is not on the outer surface of the commutator is not persuasive because the commutator of Schechinger includes both the commutator body 15 and the bushing 33 which are shown as an integral body. The rejection should be maintained because the Applicant has not structurally defined the commutator as a single, unitary body, therefore the examiners reading of the claim is entirely correct. Furthermore, *In re Prater*, supra, specifically hold against reading limitations from the specification into the claims. The examiner

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notes that the magnet mounted on the outer surface of the commutator is also shown in the Japanese Patent 11-308,812 and the German Patent 198 11 424 (both of record in this application).

The Applicant's arguments regarding Claim 4 are not persuasive because Schechinger teaches the magnet 34 in an annular recess is formed on the end of the commutator by the body 15, the spacer 33, and the spring washer 40, as set forth in the Final Office Action. The Applicant's argument regarding claim 5 is not persuasive because the Schechinger teaches the magnet retained in the recess by a spring clip 40, as set forth in the Prior Office Action.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



Karl I. E. Tamai
Primary Examiner
Art Unit 2834

KARL TAMAI
PRIMARY EXAMINER

KIT

August 4, 2003

Conferees

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